



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

MAR - 3 2017

Mr. David Ward
Manager, Environment, Safety, Health & Safeguards
BWX Technologies
1570 Mount Athos Rd.
P.O. Box 785
Lynchburg, VA 24504

Re: Notice of Violation
EPA ID No. VAD046960449

Docket Number: R3-17-NOV-RCRA-15

Dear Mr. Ward:

On January 31, 2017, BWX Technologies (BWXT) in Lynchburg, Virginia, contacted the Virginia Department of Environmental Quality (VADEQ) Blue Ridge Regional Office to self-disclose a violation of the Resource Conservation and Recovery Act (RCRA). Based on review of this self-disclosure, EPA has determined that BWXT failed to meet the conditions of its delisting. As a result of this finding, the Agency is issuing this **Notice of Violation (NOV)**. The specific violation is:

- On January 19, 2017, a one-time shipment of approximately 30 cubic yards of Pickle Acid Filter Cake (F006) was sent to and disposed at the First Piedmont Corporation Landfill, Pittsylvania County, Virginia. First Piedmont Landfill has a Solid Waste Facility Permit # SWP065 issued through VADEQ. However, Subtitle D Waste is not included in the list of wastes accepted at this landfill. By failing to send the F006 to a permitted Subtitle D landfill, BWXT violated its conditional delisting as set forth in 40 CFR Part 261 (Appendix IX).

Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this Notice of Violation may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

Within thirty (30) calendar days of the receipt of this NOV, please submit a response documenting the measures the facility has taken or is taking to achieve compliance with the violations noted above or provide an explanation of facts and circumstances that cause you to believe that EPA's determination of the alleged violations are in error. If the compliance measures

identified are planned or are on-going, please provide a schedule for when the compliance measures will be completed.

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.

This Notice of Violation is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the one cited in this letter, or past violations in any future enforcement action. Any response to this NOV shall be addressed to:

Catherine McGoldrick (3LC32)
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103



Carol Amend, Associate Director
Land and Chemicals Division
Office of RCRA Programs

March 3, 2017
Date

Enclosure

cc: C. McGoldrick (3LC32)
L. Romanchik (VADEQ)